



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 8484-98
23 March 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 March 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1760 MMSR-6J of 2 February 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1760
MMSR-6J
2 Feb 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) MMR Route Sheet of 12Jan99, Do [REDACTED]

1. Reference (a) requests an advisory opinion on [REDACTED] t
[REDACTED] petition to change his Armed Forces Active Duty Base Date
(AFADBD).

2. The AFADBD is based on periods of active duty only. [REDACTED]
[REDACTED] record shows that he served on active duty from
23 July 1986 thru 22 July 1990, and from 31 January 1991 thru the
present. Therefore, [REDACTED] AFADBD is correct as
shown in his record and no correction is warranted.

3. Title 10 U.S. Code, Section 1411 states that "a person shall
be considered to first become a member of a uniformed service on
the date the person first enlisted, inducted or appointed in a
uniform service." Thus, a break in service does not change the
retirement plan used to compute a member's retired pay. [REDACTED]
[REDACTED] record shows that he originally entered the
armed forces on 13 August 1985. His retired pay will be computed
under the "High 3" method which will provide 50% of the average
highest base pay of his last 3 years of active service.


J. P. RATHBUN, JR.

Head, Separation and
Retirement Branch
By direction of the Commandant
of the Marine Corps